

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. DNCW3:03CR208-3
)	(Financial Litigation Unit)
KEVIN TRAVIS PORTER,)	
)	
and)	
)	
PHYSICAL THERAPY, INC.,)	
Garnishee.)	

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the Answer of Physical Therapy, Inc. as Garnishee. On November 2, 2004, the Honorable Graham C. Mullen sentenced Defendant to time served for his conviction of Conspiracy to Defraud the United States in violation of 18 U.S.C. §§ 371, 287, 1035 and 1347. Judgment in the criminal case was filed on January 28, 2005 (Docket No. 50). As part of that Judgment, Defendant was ordered to pay an assessment of \$100 and restitution of \$281,054.00 to the victims of the crime. *Id.*

On August 14, 2012, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 106) to Garnishee, Physical Therapy, Inc. ("Garnishee"). The United States is entitled to a wage garnishment of up to 25% of net income and has satisfied the prerequisites set forth in 15 U.S.C. § 1673. Defendant was served with the Writ on August 17, 2012. Garnishee was served with the Writ on August 21, 2012. Garnishee filed an Answer on October 11, 2012 (Docket No. 110) stating that at the time of the service of the Writ, Garnishee had in their custody, control or possession property or funds owned by Defendant, including non-exempt disposable earnings.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby

ENTERED in the amount of \$250,014.77 computed through June 19, 2012. Garnishee will pay the United States 25% of Defendant's net earnings which remain after all deductions required by law have been withheld, and 100% of all 1099 payments, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full, or until Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. In order to ensure that each payment is credited properly, the following information should be included on each check: Court Number DNCW3:03CR208-3.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program any federal payment Defendant would normally receive may be offset and applied to this debt.

Signed: November 7, 2012

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

